REMARKS

Claim Status

Claims 15, 16, 32, 37, 38 and 44-52 are pending in the present application. Claims 32, 37 and 38 have been amended in independent form; these claims are believed to be broader than their original form, and have been amended without surrender of any equivalent arrangements. For example:

Claim 32. Instead of reciting a dependence on all features of claim 4, claim 32 now recites that embedded information includes "a correspondence to original data in which the information is embedded in."

Claim 37. Instead of including all features of its former base claims, amended claim 37 omits that "the auxiliary information being independent of the original data," and that changed auxiliary information is placed in slots. The term "embedding" has also been changed to "associating." (The Examiner is invited to inspect amended claim 37 for other changes as well.)

Claim 38. Similar changes have been made to claim 38. (The Examiner is invited to inspect amended claim 38 for other changes as well.)

Claims 15 and 16 have been amended in independent form and generally recite the features of their former base claims. No forfeiture of equivalents is intended.

Art Rejections

Claim 32 stands rejected as being anticipated by Leighton (U.S. Patent No. 5,664,018). Claims 15 and 16 stand rejected over Leighton in view of Applicant's alleged admitted prior art.

Applicant respectfully traverses these rejections.

Claim 32

Claim 32 recites enabling an action with embedded information. The action is enabled when <u>both</u> the embedded information corresponds to the original data <u>and the auxiliary information permits the enabling</u>.

While the Office Action at page 4, paragraph 5, discusses information corresponding to original data, it does not address a combination where an action is triggered or enabled when there is both a correspondence and the auxiliary information permits the enabling.

We respectfully request that claim 32 be allowed. (Other deficiencies of the art need not be belabored at this time.).

Claims 15 and 16

Claim 15 recites that changing auxiliary information is based upon unchanged original data bits to be purposely skipped during said embedding.

Claim 16 recites that changing auxiliary information is based upon original data bits which are not used for embedding when a PN sequence designates the not used original data bits as non-embedding locations.

While applicant's specification discusses some prior embedding techniques (i.e., see page 17, lines 12-19), the specification does <u>not</u> admit that the combinations recited in claims 15 and 16 would be rendered obvious over such techniques. Instead, applicant recognized novel combinations (e.g., claims 15 and 16) and described how to achieve such.

We respectfully request that claims 15 and 16 be allowed.

Allowable Subject Matter

Applicant greatly appreciates the indication that claims 37 and 38 recite allowable subject matter.

Please note that claims 37 and 38 have been amended as discussed above.

We respectfully submit that, despite the broadening amendments, these claims are still patentable over the cited art.

For example, claim 37 recites a method of embedding auxiliary information in original data. The method includes receiving original data including a plurality of frames; receiving auxiliary information; changing the auxiliary information based on the original data; and associating the changed auxiliary information with the original data. A redundant instance of the changed auxiliary information is placed in each of a plurality of frame headers respectively associated with the plurality of frames. The cited art is not understood to teach or suggest such a combination.

Claim 38 recites a method of embedding auxiliary information in original data. The method includes receiving original data including a plurality of frames; receiving auxiliary information; changing the auxiliary information based on the original data; and associating the changed auxiliary information with the original data. A first portion of the changed auxiliary information is placed into at least a first frame header, and a second portion of the changed auxiliary information is place into at least a second and different frame header. The cited art is not understood to teach or suggest such a combination.

Favorable consideration is requested.

Dependent Claims

Independent consideration of the new dependent claims is respectfully requested.

Information Disclosure Statement

An Information Disclosure Statement and Form 1449 are filed concurrently herewith. Consideration of the information cited therein is respectfully requested.

Conclusion

The application is believed to be in condition for allowance. Nevertheless, the Examiner is invited to telephone the undersigned at 503-469-4685 with any questions.

Date: January 26, 2005   Respectfully submitted,

  Customer No. 23735   DIGIMARC CORPORATION

Phone: 503-469-4685
FAX: 503-469-4777

By _____
                                         Steven W. Stewart
                                         Registration No. 45,133